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August 14, 2020

By ECF and e-mail

Honorable Richard J. Sullivan
United States Circuit Judge
Court of Appeals for the Second Circuit
40 Foley Square
New York, New York 10007

Supervisee's request for modification of the Court's August 14, 2020 order is DENIED. Supervisee shall remain on home confinement at his residence until Monday, August 17, 2020, when he is to surrender as previously ordered by the Court. The Clerk of the Court is respectfully directed to terminate the motion pending at document number 41.

Re: *United States v. Javier Lavayen*, 14 Cr. 774 (RJS)

SO ORDERED *RJ Sullivan*
Dated: *8/14/20*
RICHARD J. SULLIVAN
U.S.D.J.

Dear Judge Sullivan:

I write to respectfully request that the Court modify Mr. Lavayen's home detention so that he can be out in the community between 10:00 a.m. and 5:00 p.m. tomorrow (Saturday, August 15, 2020) and Sunday (August 16, 2020). The Government and the Probation Office object to the proposed modification.

At the conference today, the Court ordered Mr. Lavayen to surrender to the United States Marshals on Monday, August 17, 2020, at 9:00 a.m. Mr. Lavayen is currently on home detention, and the Court ordered that he remain home over the weekend. Mr. Lavayen would like to spend as much time as he can with his family, which would ideally include spending some time with his wife away from his sister's house (where he is living), as well as spending time with other family members who plan on getting together in the park for a few hours to wish him good luck.

As the Court noted during the conference, Mr. Lavayen has been wholly compliant with home detention, and we respectfully request that the Court allow him a little time outdoors before he surrenders on Monday.

Respectfully submitted,

/s/
Martin S. Cohen
Ass't Federal Defender
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cc: Drew Skinner, Esq. by ECF and e-mail
Darryl Spencer, U.S. Probation Officer, by e-mail